



# Matrimonial Homes and Property Act 1981

## 1981 CHAPTER 24

### PART II

#### ORDERS FOR SALE OF PROPERTY

#### **8 Amendments consequential on powers of court to order sale of property**

- (1) In section 25 of the Matrimonial Causes Act 1973 (which specifies the matters to which the court is to have regard in deciding how to exercise its powers under sections 23 and 24) in subsections (1), (2) and (3) for the words " or 24 " there shall be substituted the words " 24 or 24A, " and at the end of that section there shall be added the following subsection—

“(4) Where a party to a marriage has a beneficial interest in any property, or in the proceeds of sale thereof, and some other person who is not a party to the marriage also has a beneficial interest in that property or in the proceeds of sale thereof, then, before deciding whether to make an order under section 24A above in relation to that property, it shall be the duty of the court to give that other person an opportunity to make representations with respect to the order; and any representations made by that other person shall be included among the circumstances to which the court is required to have regard under this section.”

- (2) In section 31 of the said Act of 1973 (which provides for the variation and discharge of certain orders for financial relief)—

- (a) at the end of subsection (2) there shall be inserted the following paragraph—  
“(f) any order made under section 24A(1) above for the sale of property”;
- (b) in subsection (6) for the words "may be made by the person entitled to payments under the order" there shall be substituted the words " (and to any order made under section 24A(1) above which requires the proceeds of sale of

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*Status: This is the original version (as it was originally enacted).*

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property to be used for securing those payments) may be made by the person entitled to payments under the periodical payments order. "

- (3) In paragraph 11 of Schedule 1 to the Domicile and Matrimonial Proceedings Act 1973 (which relates to the effect on an order for periodical payments of the stay of proceedings for divorce, judicial separation or nullity of marriage) after sub-paragraph (3) there shall be inserted the following sub-paragraph—

“(3A) Where any such order as is mentioned in paragraph (e) of section 23(1) of the Matrimonial Causes Act 1973, being an order made under section 23(1) or (2)(a) of that Act, ceases to have effect by virtue of sub-paragraph (2) or (3) above, any order made under section 24A(1) of that Act which requires the proceeds of sale of property to be used for securing periodical payments under the first mentioned order shall also cease to have effect.”